

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOY SWEETING,	Plaintiff,	Civil Action No. 04-368 - Erie
		The Hon. Sean J. McLaughlin
v.		
HIGHMARK, INC.,		ELECTRONIC FILING
	Defendant.	

**MOTION FOR SUMMARY JUDGMENT**

Highmark Inc. ("Highmark" or "Defendant"), pursuant to Rule 56 of the Federal Rules of Civil Procedure, hereby moves that summary judgment be entered in its favor and against Plaintiff on all claims asserted by Plaintiff against Highmark in this action. In support of its Motion, Highmark states that there is no genuine issue of material fact and that it is entitled to judgment as a matter of law. Highmark further states as follows:

1. Plaintiff filed a Complaint against Highmark alleging that the elimination of her position as HealthPLACE Administrator in Erie and her non-retention in Highmark's new Preventive Health Services organization was the result of age and gender discrimination in violation of Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, and the Pennsylvania Human Relations Act.
2. Summary judgment should be entered in favor of Highmark on Plaintiff's claims because even assuming, *arguendo*, she could state a *prima facie* case, Highmark has produced evidence of non-discriminatory business reasons for its actions and decisions regarding Plaintiff, which Plaintiff cannot show to be pretextual.

3. The further grounds for this Motion are set forth in Highmark's Memorandum of Law in support of this Motion, in the Statement of Undisputed Material Facts In Support Of Highmark's Motion For Summary Judgment, and the evidentiary material contained in the Appendix In Support Of Highmark's Motion For Summary Judgment, each of which is being filed herewith and is incorporated herein by reference.

4. A proposed Order is attached hereto.

WHEREFORE, Defendant Highmark respectfully requests that its Motion For Summary Judgment be granted and that judgment be entered in its favor and against Plaintiff on all claims asserted against it by Plaintiff in this action.

Respectfully submitted,

s/ Martha Hartle Munsch  
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Highmark, Inc.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Motion For Summary Judgment was served upon counsel for Plaintiff electronically and by United States mail, first class and postage prepaid, at Pittsburgh, Pennsylvania, on this 19th day of December, 2005, addressed as follows:

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s/ Martha Hartle Munsch  
Counsel for Defendant